

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, January 9, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, December 19, 2007 Worksession.

Action: Approved, (WMH/CLH, 4-0).

2. **A-6191, Appeal of Kensington Volunteer Fire Department, Inc.** (Department of Permitting Services – Notice of Violation). Order from the Circuit Court.

Action: Re-opened the record to include the Order from the Circuit Court, (CGT/CLH, 4-0).

3. **A-6217, Appeal of Sergio Morgadinho** (Department of Permitting Services – Notice of Violation). Letter from Rebecca Walker, Esquire, withdrawing the administrative appeal.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted the refund of 50% (\$100.00) of the filing fee, (CLH/WMH, 4-0).

4. **S-213 and S-214, Petitions of Potomac Electric Power Company (public utility structure).** Letter from B. B. Allison, System Planning Group, submitting 10 and 20 year projections for electric service to the County as required by the Board's Opinion dated 11/26/73.

Action: (1) Re-opened the record to include the letters from Mr. Allison with attachments; (2) Schedule Review Hearing in accordance with the Board's 1987 Opinion, (CGT/WMH, 4-0).

5. **S-289-B, Petition of Little Falls Swim Club** (community swimming pool). Letter from Rebecca Rootes, President, submitting the club's annual report as required by Condition No.17 of the Board's Opinion dated 6/8/05.

Action: Re-opened the record to include Ms. Rootes' letter with attachments, (WMH/CLH, 3-0/AIF/recused).

6. **S-738-B, Petition of McDonald's Corporation** (drive-in restaurant). Letters to the Board from Marla Blair, Counsel, McDonald's Corporation and Lorraine Vismara, requesting an administrative modification.

Action: (1) Granted the request to add Lorraine Vismara as a co-holder of the special exception; (2) request DPS inspection of the special exception, (CGT/CLH, 4-0). Request for 24-hour operations deferred for additional information, consensus.

7. **S-1122, Petition of Laurence E. and Hilda T. Seibel** (accessory apartment). Memorandum from Françoise Carrier, Director, Office of Zoning and Administrative Hearing, notifying the Board that the request for a public hearing has been withdrawn.

Action: (1) Re-opened the record to include the memorandum from Ms. Carrier; (2) dismissed the public hearing as withdrawn; (3) reinstate the transfer of the special exception, (CLH/WMH, 4-0).

8. **S-2359, Petition of Potomac Foods Company III, Inc.** (drive-in restaurant). Letter to the Board from Clara Willis, District Manager, requesting an administrative modification.

Action: Item deferred for additional information about the number of trips during the current hours of operation and the anticipated trips during the expanded hours, (CGT/WMH, 4-0), consensus.

DECISION ITEM:

9. **CBA-2521-I, Petition of Montgomery General Hospital, Inc.** (hospital). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (WMH/CLH, 4-0).

PENDING ITEMS:

10. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status Report from Todd Brown, Esquire [W/S 10/17/07].
11. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
12. **CBA-2827, Petition of KMD Group, Inc.** (automobile filling station). Petitioner to submit an accurate as-built special exception site plan on or before 2/4/08 [Resolution dated 12/20/07].
13. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification. (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
14. **S-692, Petition of Potomac Conference Corporation of Seventh Day Adventists** (charitable and philanthropic institution). Letter to the Board from Anthony Bruce, Assistant to the Director, requesting an administrative modification [Large exhibits: location plan, site plan, plan details, elevations]. Item deferred for detailed information regarding the requested administrative modification and whether the special exception complies with its terms and conditions and with all the development standards, consensus [W/S 10/17/07].
15. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking. Item deferred until 1/9/08 Worksession [W/S 12/12/07].

Board Members

Allison Ishihara Fultz, Chair
Catherine G. Titus, Vice Chair
Wendell M. Holloway
Caryn L. Hines
David K. Perdue - ABSENT

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist